

09-1-04

PTO/SB/30 (5/2000)

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| <p>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p>Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.</p> <p>See the American Inventors Protection Act of 1999 (AIPA).</p> | Application Number | 09/909,088 |
| | Filing Date | July 18, 2001 |
| | First Named Inventor | Ashkenazi, et al. |
| | Group Art Unit | 1646 |
| | Examiner Name | Andres, Janet L. |
| | Attorney Docket Number | 39780-1618P2C79 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

- Submission required under 37 C.F.R. §1.114.
 - ☐ Previously submitted
 - ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered)
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - ☐ Other
 - ☒ Enclosed
 - ☒ Preliminary Amendment/Response
 - ☒ Affidavit(s)/Declaration(s) — Declaration of Sherman Fong, Ph.D. with CV
 - ☐ Information Disclosure Statement (IDS)
 - ☒ Other — Exhibits A-E
- Miscellaneous
 - ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F. R. § 1.17(i) required)
 - ☐ Other
- Fees

The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

 - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-1618P2C79)
 - ☒ RCE fee required under 37 C.F.R. § 1.17(e) (RCE fee = \$770.00)
 - ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (1-month EOT = \$110.00)
 - ☐ Other
 - ☐ Check in the amount of \$ _____ enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------------|-----------------------------------|-----------------|
| Name (Print/Type) | Daphne Reddy | Registration No. (Attorney/Agent) | 53,507 |
| Signature | <i>Daphne Reddy</i> | Date | August 30, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

| | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: August 30, 2004 | |
| Name (Print/Type) | Cheryl Ann Rogers |
| Signature | <i>Cheryl Rogers</i> |
| Date: | August 30, 2004 |
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02 FC:1251



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:) Examiner: Andres, Janet L.
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Avi ASHKENAZI, et al.) Art Unit: 1646
)
Application Serial No. 09/909,088) Confirmation No. 1981
)
Filed: July 18, 2001) Attorney's Docket No. 39780-1618 P2C79
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PRELIMINARY AMENDMENT AND RESPONSE

MS: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

A Final Office Action was mailed on April 28, 2004 in the above identified application. This Preliminary amendment accompanies a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 and is timely filed with a Petition for extension of time for one month with necessary fees. Also attached herewith is a Declaration by Sherman Fong, Ph.D. with five exhibits: (1) Current Protocols in Immunology, Vol. I, Unit 3.12 by Richard Coico, (2) an article by Ralph Steinman, (3) an article by Gubler et al., (4) an article by Peterson et al., and (5) an article by Thurner et al. Please enter the following amendments, and consider the following arguments.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.